GOVERNMENT OF MYSORE.

LABOUR AND MUNICIPAL ADMINISTRATION DEPARTMENT (LABOUR).

Labour Dispute.—Industrial Dispute between the Workmen and the Management of Suntiocoppa Estates, Suntiocoppa Post, Coorg District—Award of the Industrial Tribunal, Bangalore—Published.

Read the following papers:

(i) Letter No. I. T. No. 2437/66-67, dated 2nd February 1967, from Shri A. Panchaksharaiah, Presiding Officer, Industrial Tribunal, Bangalore.

BEFORE THE INDUSTRIAL TRIBUNAL IN MYSORE. BANGALORE.

Dated 1st February 1967.

Present:

Sri A. Panchaksharaiah, B.A. (Hons.), LL.B. ... Presiding Officer.

I. D. No. 97 of 1966.

The Workmen of Suntiocoppa Estates, Suntiocoppa Post, Coorg District ... *First Party.*

Vs.

The Management of Suntiocoppa Estates, Suntiocoppa Post, Coorg District ... *Second Party.*

Appearances.

For the I Party.—Sri Pinto, Secretary: Mysore State Estates Staff Union of South India, Chickmagalur.

For the II Party.—Sri K. Ramadas, Assistant Secretary, Mysore State Planters' Association, Chickmagalur.

Reference.

(Government Order No. PLM 120 LDD 1966 dated 12th April, 1966).

This is an Industrial Dispute between the Workmen and the Management of Sunticoppa Estates, Sunticoppa Post, Coorg District. The Government of Mysore in exercise of the powers conferred upon them referred this dispute under Section 10 (1) (d) of the Industrial Disputes Act, 1947 (Central Act XIV of 1947) in their Order No. PLM 120 LLD 66, dated 12th April 1966. The dispute is in relation to witholding of the increment of Sri P. B. Mudappa due to him from 1st July 1965. After the receipt of the Reference, it was registered as I. D. No. 97 of 1966 and notices were taken out to both the Parties.

2. The I Party represented by Sri Pinto, Secretary, Mysore State Estates Staffs Union of South India, Chickmagalur, filed a claim statement on behalf of the workman. The I Party contend that Sri P. Muddappa is a staff member of the Sunticoppa Estates belonging to the Consolidated Coffee Estates (1943) Ltd., Pollibetta Post Office, Coorg District. He has been placed in the General Grade of Large Estates as per the Staff Salary Agreement. Taking advantage of the Efficiency Bar, the Management has arbitrarily pegged this worker when he reached the maximum scale of Rs. 80. The next increment due to him from 1st July 1965 was denied. The I Party contends that this has no proper and *bona fide* reasons. It has been done solely with a view to victimise the worker merely because of his trade union activities. He has not even been informed that he has to get over the efficiency bar and, therefore, it was contended that it is against the principles of natural justice to victimise the worker in this way. A request to direct the Management to sanction his incurement is made.

3. As against the claim statement, the II Party filed the counter statement. The II Party has denied the allegations made by the I Party. It is contended that Sri P. B. Mudappa was not allowed to cross the efficiency bar for proper and *bona fide* reasons. The II Party also denies that there is any idea behind to victimise him. This Mudappa was not permitted to cross the efficiency bar as his efficiency was not up to the mark. Instead of requesting the Tribunal to direct the II Party to sanction the increment, this worker should have done well to improve his efficiency. On these grounds, the claim of the I Party is refuted.

4. A rejoinder has been filed to the Counter statement denying the allegantios of the counter statement and affirming the claim statement. Issues were framed by me and the case was posted for evidence. It came up for evidence on 12th December 1966 at my Mercara camp when a telegram was sent by the I Party praying for adjournment. The case was adjourned to this date and necessary intimations were sent to both the Parties. On 1st February 1967, when the case was called at my Mysore Camp, the I Party, P. B. Mudappa, appeared in person and submitted that he is not anxious to proceed with the dispute. Earlier to this, he had also sent a signed petition on 31st January 1967 stating that he would not be pressing this dispute and that an award may be passed rejecting the Reference for non-prosecution. He made a similar statement before the Tribunal. Under the circumstances I reject the Reference holding that the I Party has failed to establish his right. In the circumstances of the case, each Party will bear its cost.

A. PANCHAKSHARIAH,

Presiding Officer,

Industrial Tribunal, Bangalore.

ORDER.

Bangalore, dated the 15—21st February 1967.

S. O. 658.—WHEREAS by State Government Order No. PLM 120 LLD 66, dated 12th April 1966, the Industrial Dispute between the Workmen and the Management of Suntoppa Estates, Suntoppa Post, Coorg District was referred to the Industrial Tribunal, Bangalore for adjudication.

AND WHEREAS the Industrial Tribunal, Bangalore has submitted to the State Government its award in respect of the said Industrial Dispute;

NOW, THEREFORE, in exercise of the powers conferred by Section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), the Government of Mysore, are pleased to direct the publication of the said award as above, in the *Mysore Gazette*.

[No. LMA 120 LLD 66.]

By Order and in the name of the Governor of Mysore,

3072 G. G. PUROHIT, *Under Secy.*